

**REMARKS/ARGUMENTS**

Claims 1 through 30 remain in this application. Claims 1, 10 and 19 have been amended.

Claims 1 through 28 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 01/65,807 A2 to Waesterlid ("Waesterlid publication") in view of U.S. Patent Application Publication No. US 2002/0045457 A1 to Taniguchi ("Taniguchi publication"). Claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Waesterlid publication in view of the Taniguchi publication and U.S. Patent No. 6,157,378 A to Bormann, et al. ("Bormann, et al. patent").

Claim 1 as amended provides, *inter alia*, transmitting the status information associated with one of the plurality of logon identifiers, logged-in but unavailable to participate in real-time communication, to a second subscriber, the second subscriber having a contact list including the one of the plurality of logon identifiers. Claim 10 as amended provides, *inter alia*, transmitting the status information associated with one of the plurality of logon identifiers, logged-in but unavailable to participate in real-time communication, to a second subscriber, the second subscriber having a contact list including the one of the plurality of logon identifiers. Claim 19 as amended provides, *inter alia*, a third routine that directs the controller to transmit the status information associated with one of the plurality of logon identifiers, logged-in but unavailable to participate in real-time communication, to a second subscriber, the second subscriber having a contact list including the one of the plurality of logon identifiers. Thus, claims 1, 10 and 19 as amended are directed to a plurality of users (each associated with a logon identifier) utilizing a

single device, in which status information of one or more users, who is/are logged-in but are not available, is transmitted to another subscriber. As shown in FIG. 4 and described at page 11 of the specification, examples of status information of a logged-in but unavailable logon identifier or user may include busy, away, on the phone, out to lunch or nearby. A logged-in but unavailable logon identifier or user does not include online or offline designations commonly used for real-time communication services, such as instant messaging or chat.

In contrast, the Waesterlid publication, the Taniguchi publication and the Bormann, et al. patent, individually or in combination, do not describe or suggest status information of one or more users indicating a *logged-in but unavailable status* that is transmitted to another subscriber, let alone a plurality of users utilizing a single device, in which status information of one or more logged-in but unavailable users is transmitted to another subscriber, as required by claims 1, 10 and 19 as amended. Therefore, claims 1, 10 and 19 as amended distinguish patentably from the Waesterlid publication, the Taniguchi publication, the Bormann, et al. patent and any combination of these references.

It should be noted that the Waesterlid publication shows in FIG. 9, and describes at page 15, lines 4 through 6, a member status record field that includes a Member Identifier field, an On/Off Status field, an Activity Status field, and a Location field. Although the On/Off Status field indicates a user status, this field is only equivalent to the online and offline statuses commonly used for real-time communication services. Also, the Activity Status field appears to indicate a current user activity, but this field does not indicate whether the user is logged-in or whether the user is available because it is mutually exclusive of these activities. For example, a

user may be attending a meeting, off-duty, or traveling and yet, be logged-in or logged-out or available or unavailable regardless of these activities. Thus, FIG. 9 and its associated description of the Waesterlid publication does not describe or suggest status information of one or more users indicating a logged-in but unavailable status that is transmitted to another subscriber, as required by claims 1, 10 and 19 as amended.

Claims 2 through 9, 11 through 18, 20 through 30 depend from and include all limitations of independent claims 1, 10 and 19 as amended. Therefore, claims 2 through 9, 11 through 18, 20 through 30 distinguish patentably from the Waesterlid publication, the Taniguchi publication, Bormann, et al. patent and any combination of these references for the reasons stated above for claims 1, 10 and 19.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of claims 1 through 30 are respectfully requested.

### **CONCLUSION**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
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